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C O N F I D E N T I A L SECTION 01 OF 04 BAGHDAD 000287

SIPDIS

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TAGS: [PHUM](#) [PREF](#) [PINS](#) [PREL](#) [IZ](#) [IR](#)  
SUBJECT: GOI ASKS WESTERN COUNTRIES TO RESETTLE MEK  
DEFECTORS

REF: BRUSSELS 101

Classified By: Ambassador Ryan C. Crocker for reasons 1.4 (b) and (d)

11. (U) This is an action request. Please see para 14.

12. (C) Summary: GOI point person for the Mujahedin e-Khalq (MEK), National Security Advisor Dr. Mowaffaq Al-Rubaie (in the presence of the Iranian Ambassador), briefed international organizations and countries the GOI believes may have residency or refugee ties to MEK members at Camp Ashraf January 27. While disappointed the EU had de-listed the MEK (but without providing convincing evidence to support the GOI case that the group should remain listed as a terrorist organization), the GOI is turning its efforts to trying to convince countries who may have links to residents in Camp Ashraf to take them. Al-Rubaie made clear the camp would not be forcibly closed and said the GOI had "no determined date" on when the camp should close. The Iranian Ambassador said Iran would allow MEK defectors to return to Iran and would give passports to those who wished to resettle in a third country. He said Iran considers 54 MEK members at Camp Ashraf to be criminals and will send the case files on these individuals to Iraqi courts for prosecution; Iran would respect any decision taken by the Iraqi courts. We believe the USG should support the GOI resettlement effort and demarche Europeans and others to accept Ashraf residents (see suggested points in para. 14). We defer to Brussels, but question the feasibility of some EU members' efforts to re-list the MEK, particularly if the effort depends on tangible evidence from Iraq. End Summary.

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FAILED TRIP TO BRUSSELS  
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13. (C) In response to the preliminary decision on January 23 to de-list the Mujahedin e-Khalq (MEK) from the EU's autonomous terrorist designation, Prime Minister Nouri al-Maliki directed National Security Advisor Dr. Muwafuq al-Rubaie to travel to Brussels to attempt to influence the EU General Affairs and External Relations Committee (GAERC) meeting scheduled for January 26 to prevent de-listing of the MEK. Al-Rubaie had prepared to deliver a four-page statement of alleged illegal activity by the MEK and had forwarded a copy to the Iraqi Ambassador in Brussels. Throughout the day on January 25, preparations were completed, including last-minute arrangements for U.S. military transportation to Kuwait in the absence of a commercial option. Al-Rubaie arranged to brief EU High Representative Javier Solana and Czech EU President Vaclav Klaus. Following conflict between the MFA and Al-Rubaie on the latter representing the GOI on this diplomatic mission, the Prime Minister reluctantly cancelled his trip and the GOI settled for sending a letter listing its concerns about the MEK.

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GOI MEETING WITH WESTERN DIPLOMATS  
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¶4. (C) Al-Rubaie invited representatives, including the Ambassadors of at least France, Italy, Germany, the Netherlands, Denmark, Greece, U.S., Canada, UK, Romania, and Australia; UNAMI, UNHCR, and ICRC; as well as the Iranian Ambassador January 27 to be briefed on GOI policy on the MEK and to enlist their assistance in resettling Camp Ashraf residents in their countries. The meeting was hastily organized; the U.S. Embassy was informed only one hour before it was to begin.

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GOI POLICY TOWARDS MEK  
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¶5. (C) Al-Rubaie outlined GOI policy towards the MEK organization and the residents of Camp Ashraf. According to Iraqi law, the MEK is a terrorist organization and cannot be allowed to exist in Iraq. Al-Rubaie said the GOI had unwillingly inherited the MEK problem from the Saddam regime, under which the MEK was an armed organization and committed atrocities in both Iran and Iraq.

¶6. (C) He specifically noted the following:

-- Iraq lists and views the MEK as a terrorist organization and declares that the presence of such an organization on its territory constitutes a threat to Iraq's national security, largely due to the fact that it carries out hostile acts

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against the Iraqi people.

-- The Iraqi Constitution prohibits using Iraqi territories as a base or pathway for terrorist organizations or a base for terrorist activities.

-- Acts that were carried by the MEK organization, which were officially documented by the Iraqi Ministries of the Interior and Foreign Affairs, constitute violations against Iraqi, international, and international humanitarian law. For example, the MEK killed tens of Iraqi citizens in the South and the North, including children, women, the elderly, and youth, according to information, documents, and official death certificates documenting these crimes. (Note: It was unclear what documentation Iraq holds to support these charges. End Note.)

-- The MEK has carried out criminal acts and supported armed and outlawed organizations. Such acts also constitute gross violations and are subject to sanctions under international law, which are also in violation of Iraqi Constitution and Law.

¶7. (C) Al-Rubaie also stated that before January 1, 2009, the MEK was involved in political activities against the GOI, lobbying Iraqi tribes, political entities and parties, and that the GOI had evidence that the MEK worked with terrorist organizations in Iraq. (Note: We are not aware of any such linkages with terrorist organizations in Iraq. End Note.) Al-Rubaie added that the GOI is currently monitoring the MEK's bank accounts in Baghdad but noted they would not close the accounts. He said that the MEK are "largely disarmed," but that status was still to be confirmed by the GOI. Al-Rubaie said there are arrest warrants for some of the residents, but the GOI has decided out of humanitarian concerns to delay execution of the warrants. He emphasized that the residents have no legal status in Iraq.

¶8. (C) Al-Rubaie and Minister of Human Rights Wijdan Salim said the GOI was determined to close the camp but both stressed that the residents would not be forced to leave the

camp. Al-Rubaie stated that the GOI wants to close all files that create friction with their neighbors, particularly Iran, who sees the MEK as a threat to national security. When asked about the timeline for camp closure, after Al-Rubaie joked "yesterday," he made absolutely clear that there was no determined date. For those who leave the camp, Salim explained they could either return to Iran with help from the ICRC, seek residence from third countries, or seek refugee status from UNHCR and resettlement in a third country. ICRC said it had repatriated 261 former MEK to Iran since 2003 and was willing to repatriate more. Although ICRC has not been able to follow each case individually, ICRC has had contact with some former residents, who report that they have not faced significant problems after their return to Iran. Salim asked Ambassador Qomi for assurances that Iran would guarantee the safety of any residents who returned to Iran. Qomi noted the Iranian Government would not apply pressure or persecution to those that wish to return.

¶9. (C) Salim said that the two current defectors, who had been living in a trailer on the grounds of Ministry of Defense Intelligence Headquarters at Muthanna Airport, will be moved to other accommodations at a "secret" hotel in Baghdad, where the GOI has sectioned off a portion to house defectors. (Note: We believe the defectors will be moved to Qdefectors. (Note: We believe the defectors will be moved to the Rasheed hotel in the International "Green" Zone. End Note.) Upon questioning, Al-Rubaie said that the news report about a defector who was sent on a suicide bomb mission against Iraqi Security Forces was a "misunderstanding." Salim said the defector freely confessed that he was told to commit suicide to discredit the GOI.

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REQUEST FOR EU TO RESETTLE MEK RESIDENTS  
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¶10. (C) On the basis of a list provided by the MEK which showed that a number of Camp Ashraf residents have ties to foreign countries, Al-Rubaie asked that each country repatriate their nationals, honor previously granted refugee status (or renew status if necessary), and consider giving residency to MEK members who had families residing in their country. He said that there are 914 residents with third country ties other than to Iran, such as nationality, former resident, or refugee status. For example, there are purportedly 300 members with refugee status in Germany, 309 in France, 95 in Italy, and 73 in the UK; 35 residents have

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nationality claims in third countries. His staff had passed out to each diplomatic representative lists with numbers of citizens and those with third-country claims, but did not refer to each in his remarks. Al-Rubaie also noted that Iran will grant passports to all Iranian MEK residents, which would facilitate their travel from Iraq.

¶11. (C) The UK and Canadian officials said they want to cooperate with the GOI on this request. The EU representatives requested detailed information on the individuals with nationality or refugee claims in response to the request. They expressed concern that the residents do not seem willing to leave. Al-Rubaie and Salim said the GOI will try to break down the cult mentality by introducing outside information (media and internet) to the camp and by increasing family visits, which they hope will encourage residents to decide to leave.

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IRANIAN POLICY TOWARDS MEK  
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¶12. (C) After some questions from the German Ambassador, Iranian Ambassador Qomi finally spoke, although through translation by his advisor and Al-Rubaie. He began by emphasizing that even though the MEK were de-listed from the

EU terrorist list, they are still criminals. Qomi said the leaders were criminals for bringing the residents into that "prison." He added that Iran has criminal cases against 54 residents at Ashraf camp, and it is prepared to provide all criminal evidence to the Iraqi courts to enable them to prosecute the 54. He emphasized that Iran will abide by any decision from the Iraqi judiciary and said that Iran is not seeking extradition of any MEK members. Al-Rubaie noted that there is no extradition treaty between the two countries. (Note: Although Iran and Iraq concluded an extradition agreement in 1926, the GOI apparently no longer considers that agreement in force. End Note.)

¶13. (C) Regarding those who wish to return to Iran, Qomi said they would be welcome and guaranteed that Iran would not persecute any former MEK. He said that any families from Iran who visited their relatives in Ashraf could bring them back with them. Qomi confirmed that Iran will provide passports to anyone who wishes to leave Iraq for third countries. He ended his speech with a political statement on what he described as atrocities in Gaza.

¶14. (C) ACTION REQUEST: We understand there is a move to try to relist the MEK in Europe; however our soundings with some embassies here suggest little expectation of success. The GOI paper on MEK crimes faxed to NEA/I provides little evidence to help such an effort. Given the growing pressure from the GOI on how to deal with the 3400 camp residents, and the group's ability to escalate the issue internationally, Post requests Department consider directing demarches to EU capitals, as well as Australia and Canada, regarding the disposition of current residents of Camp Ashraf, drawing from the following points:

-- Although the U.S., Canada and Iraq continue to designate the MEK a foreign terrorist organization, we believe the EU decision to de-list the MEK offers (these Western capitals) the opportunity to actively participate in disbanding the MEK in a humanitarian manner.

-- Many in Europe, including numerous EU parliamentarians, have expressed concern that the GOI cannot or will not ensure the future safety and well-being of the Camp Ashraf residents, and thus should be encouraged to take concrete steps to mitigate the risks they have identified.

-- The USG has monitored the camp since 2003 and we have witnessed the MEK lay down their arms and sign non-violence pledges. We believe that most are no longer viable threats.

-- Some of the older residents may have been involved in terrorism activity in Iran during the 1980s and before, but many of the younger residents, a majority of those with third-country ties, have joined the organization in recent years (post 1995).

-- While there have been political activities in the camp since 2003, there have been no known acts of terrorism perpetrated by Camp Ashraf residents since that time.

-- The MEK is a personality cult with strong ties to Masoud and Maryam Rajavi; individuals are difficult to separate from

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the group. Ensuring that those with third-country ties have the ability to safely leave the group is the only humanitarian way to deal with this difficult situation.

-- We urge (these Western countries) to investigate claims of third-country status by Camp Ashraf residents (citizenship, residency, refugee, etc.). Embassy Baghdad has already been contacted by the British and Canadian Embassies in this regard and will be available should (these Western countries) also request assistance.

-- Embassy Baghdad will assist (these Western countries with available documentation and Consular access to Camp Ashraf to verify which Camp Ashraf residents have ties to third states.  
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